

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, October 5, 2021 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: N/A

Board Member Present by Conference/Video Call: Kevin Kluge; Jennifer Fish; Scott Mabery; Mark Smalley; Jason Hathcock

Board Member Absent:

Also Present in Conference Room 109: Vanessa Haney, Local Board Secretary (video call); Alicia Bocardo, Recorder (video call); Lesli Sorensen, Board Attorney; (video call); Steven Jackson, Applicant #21-02 (conference call); Erika Muhammad, Applicant #21-03 (conference call).

Call to Order:

Approval of the Minutes:

September 7, 2021 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the September 7, 2021 meeting was made by Mark Smalley. The motion was seconded and passed unanimously; minutes stand approved. **CORP 2021-47**

Consideration of Disability Benefits I:

Disability Application #21-02 – IME Decision

The Board received Application #21-02 for Ordinary Disability benefits from Steven Jackson on August 30, 2021.

The applicant is a Maricopa County Probation Officer with 17.673 years of service.

The applicant identified the disabling condition as: “Multiple Sclerosis”.

Mr. Jackson was notified via certified letter that the Board would consider his application at this meeting and of the applicant’s right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports were provided for the Board. The criteria for Ordinary Disability benefits per A.R.S. §38-881.01 are: "Ordinary disability" means a physical condition that the local board determines will prevent an employee from totally and permanently performing a reasonable range of duties within the employee's department or a mental condition that the local board determines will prevent an employee from totally and permanently engaging in any substantial gainful activity."

A copy of A.R.S. §38-886.01 governing Local Board consideration of applications for Ordinary Disability was included for reference purposes.

Dr. Sidney Spector performed an Independent Medical Examination of the applicant on September 23, 2021. A copy of Dr. Spector's IME report was provided to the Board.

The Local Board determined eligibility based on the Independent Medical Evaluation.

The Chair noted Mr. Jackson's presence via conference call.

Board Member Mark Smalley asked the applicant if he was still employed with Maricopa County. Mr. Jackson replied that he was not terminated with the county and that he was currently on leave using vacation time.

Board member Jason Hathcock stated that the termination date with the county will impact his benefit date. Mr. Hathcock added that he was in a favor of approving the application based on the application being submitted timely, the medical evidence provided, and the Individual Medical Evaluation report that determines the member totally and permanently disabled without an attributing pre-existing condition.

Board Member Jason Hathcock moved to: (1) Approve the application for Ordinary Disability Retirement benefits from Applicant #21-02, Steven Jackson, based on the findings of the Independent Medical Evaluation conducted by Dr. Sidney Spector for the Local Board, as set forth in the report dated September 23, 2021 and the Form C5-LB-O dated September 23, 2021; (2) Approve an Ordinary Disability Benefit for Steven Jackson in about the amount of \$2,355.62. (3) Pursuant to A.R.S. §38-886.01. D: Not to review this matter again as the claimant has been deemed totally and permanently disabled. The motion was seconded and passed unanimously. CORP 2021-48

Consideration of Disability Benefits II:

The Board received Application #21-03 for Accidental Disability benefits from Erika Muhammad on August 25, 2021 identifying a disabling condition of: "Work related PTSD, Anxiety and Depression".

The applicant is a Maricopa County Probation Officer with 6.809 years of service.

Ms. Muhammad was notified via certified letter that the Board would consider her application at this meeting and of her right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

Per the Board's September 7, 2021 request, the applicant provided additional medical records and those records were provided to the Board.

A copy of A.R.S. §38-886 governing Local Board consideration of applications for Accidental Disability is included for reference purposes.

The Chair noted Ms. Muhammad's presence via conference call. The Chair asked the applicant if the additional documentation presented was produced by the same individual. Ms. Muhammad responded that two documents were.

The Chair added that the applicant provided more information for the Board to review for a decision. Board member Jason Hathcock stated that though he was not present at the September 7, 2021 meeting, he agreed that there was enough documentation/timeline to send the applicant for an IME.

The Chair asked the Board Attorney to clarify what verbiage would have to be confirmed by an IME doctor per the nature of the applicant's condition.

The Board Attorney Lesli Sorensen responded that the IME doctor would have to determine if the applicant's mental health condition totally and permanently prevents her from engaging in gainful activity regarding her job duties and responsibilities as a probation officer.

The Chair asked the applicant about her current treatment plan. Ms. Muhammad responded that she is currently seeking health insurance and that she would continue/schedule treatment once her medical coverage is finalized.

MOTION: A motion to refer Applicant #21-03 for an Independent Medical Evaluation for Accidental Disability was made by Scott Mabery. The motion was seconded and passed unanimously. **CORP 2020-49**

The Local Board Secretary was instructed to schedule the applicant with both a psychologist and a psychiatrist as part of her Individual Medical Evaluation.

Approval of Normal Retirement Benefits:

There were eight applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amount effective August 1, 2021 was made by Mark Smalley. The motion was seconded and passed unanimously. **CORP 2021-50**

Kevin Bishop \$3,110.76

Sally Carrel \$1,797.08

Beatriz Corella \$3,062.33

Debra Kendall \$3,870.98

Linda Marlow \$3,039.54

Jessica Morales \$2,041.75

Susie Rossi \$2,295.86

Raven Smith \$2,631.44

Decision on Notice of Retiree Return to Work I:

The Board received a Notice of Retiree Return to Work from the Pinal County Superior Court for Saul Schoon. The form indicated that Mr. Schoon retired from the Maricopa County Probation Department effective March 31, 2021. Mr. Schoon returned to work for Pinal County on August 23, 2021 as a Probation Division Manager, which is not a CORP designated position.

At the September 7, 2021 CORP Local Board meeting, the Board questioned whether an alternative contribution should be paid and directed staff to follow-up with Pinal County for more details on the nature of the position.

Pinal County explained that the probation division manager position is a newly created position within Adult Probation, and it has always been a part-time position. Saul Schoon is the first incumbent in the position.

The Chair expressed confusion about the documents provided by Pinal County. The Chair expressed that: 1) If this was a new position it was not reviewed by the Board and would need to be approved per standard procedure and ACR purposes; and, 2) The job description did not reflect that of a part-time position and that the date on it did not reflect the position as newly created.

The Chair instructed the Local Board Secretary to retrieve yet more information from the county surrounding the position to establish if the position is CORP eligible and whether the employee may be employed by the county as a retiree return to work without legal ramifications.

The Chair tabled this matter for the November 2, 2021 meeting.

Decision on Notice of Retiree Return to Work II:

The Board received a Notice of Retiree Return to Work from the Yavapai County Department of Health for Teresa Manning. The form indicated that Ms. Manning retired from the Yavapai County Probation Department effective September 1, 2021. Ms. Manning returned to work for Yavapai County on September 13, 2021 as a Health Educator, which is not a CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Ms. Manning's current job description.

MOTION: Mark Smalley moved that: (1) Teresa Manning is eligible to continue to receive a CORP pension; (2) Yavapai County is not responsible for paying an alternate contribution rate on her behalf. The motion was seconded and passed unanimously. **CORP 2021-51**

Approval of Membership:

The Local Board voted on the approval of the following requests for membership:

Baig, Rebecca	Pinal	9/12/2021
Cephers, Taylor	Maricopa	06/07/2021
Greene, Cala	Maricopa	08/22/2021
Ibarra, Rosario	Pinal	09/12/2021
Maldonado, Ana	Maricopa	08/29/2021
McKeon, Matthew	Coconino	08/30/2021
Silva Angulo, Ana	Yuma	06/07/2021

MOTION: Scott Mabery moved to approve the seven applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Cala Greene, Matthew McKeon, and Ana Silva Angulo identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan. The motion was seconded and passed unanimously. **CORP 2021-52**

Future Agenda Items:

There were no future agenda items discussed.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:08 a.m.

Transcribed October 6, 2021.